

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X Case No.: 08 CV 04045 (FB)(LB)  
ROY DEN HOLLANDER,

Plaintiff,

v.

**DECLARATION OF  
JOSHUA S. HURWIT, ESQ.**

DEBORAH SWINDELLS DONOVAN, PAUL W.  
STEINBERG, and JANE DOE,

Defendants.  
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Joshua S. Hurwit, an attorney duly admitted to practice in the State of New York,  
hereby affirms the following under the penalty of perjury:

1. I am an associate with the law firm of Gordon & Rees LLP, counsel for Defendant Deborah Swindells Donovan ("Donovan"). As counsel for Donovan, I am fully familiar with the facts set forth herein. This declaration is submitted in support of Donovan's motion for summary judgment pursuant to Fed. R. Civ. P. 56.

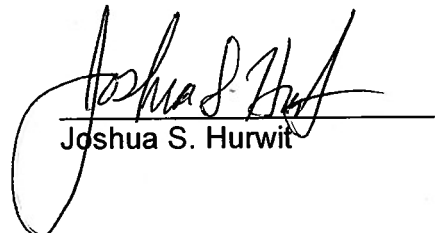
2. Annexed hereto as Exhibit 1 is a true and correct copy of the Complaint (the "Complaint") in *Hollander v. Donovan et al.*, 08-cv-04045 (FB)(LB) (E.D.N.Y. Oct. 3, 2008).

3. Annexed hereto as Exhibit 2 is a true and correct copy of Donovan's notice of motion to dismiss the Complaint with prejudice, dated March 11, 2009.

4. Annexed hereto as Exhibit 3 is a true and correct copy of this Court's *Memorandum & Order*, dated November 18, 2009, converting Donovan's motion to dismiss to a motion for summary judgment under Fed. R. Civ. P. 56.

5. Annexed hereto as Exhibit 4 is a true and correct copy of *City Merchandise, Inc. v. Kings Overseas Corp.*, No. 99 CV 10456(RCC), 2001 WL 286724 (S.D.N.Y. March 23, 2001).

Dated: New York, New York  
December 18, 2009

  
Joshua S. Hurwit